

TAX TIPS FOR

JEWELRY STORES



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**CALIFORNIA
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OF EQUALIZATION**

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Table of Contents

Taxability of Sales and Labor	1
Taxability of Purchases	5
Credits for Losses and Returned Items	8
For More Information	11
Reader Survey	15

Note: This pamphlet summarizes the law and applicable regulations in effect when the pamphlet was written, as noted on the cover. However, changes in the law or in regulations may have occurred since that time. If there is a conflict between the information in this pamphlet and the law, the latter is controlling.

Preface

This pamphlet is designed to help you understand California's Sales and Use Tax Law as it applies to jewelry stores.

If you cannot find the information you are looking for in this booklet, please contact our Information Center at 800-400-7115. Staff will be glad to answer your questions.

For general information about sales and use taxes, your obligations as holder of a seller's permit, and how to file tax returns, see Publication 73, *Your California Seller's Permit*. This publication includes information on obtaining a permit; using a resale certificate; collecting and reporting sales and use taxes; buying, selling, or discontinuing a business; and keeping records. If you do not already have a copy of this booklet, you may download one from our website at www.boe.ca.gov or request one from our Information Center.

We welcome your suggestions for improving this or any other tax tip pamphlet. You may complete and mail in the reader survey on page 15. Or write to:

State Board of Equalization

Audit and Information

Section, MIC:44

P.O. Box 942879

Sacramento, CA 94279-0044

To contact your Board Member, see www.boe.ca.gov/members/board.html

1. Taxability of Sales and Labor

This chapter provides general information on the application of sales and use tax in your jewelry business. It covers how and when sales and use tax applies to sales of merchandise and to labor charges. It also covers repair parts, sales to out-of-state and foreign customers, discounts, trade-ins, and credit sales.

Sales of merchandise

The sale of merchandise in your jewelry store is generally subject to sales tax. Under the Sales and Use Tax Law, tax applies to the retail sales of merchandise and other *tangible personal property* (your business *purchases* may also be subject to tax — see Chapter 2, beginning on page 5). Barter and exchanges are considered taxable sales.

Sales of the following items are generally taxable:

- New and used jewelry, watches, clocks, and other merchandise
- Items such as watch bands, chains, metal bands, and so forth
- Custom-made jewelry or other items you fabricate

Charges for labor and materials

■ Fabrication labor

If you charge for labor to *create or produce* items for customers, the labor charges are taxable, whether you supply materials or use materials provided by the customer. Labor charges for individual steps in a creative process, such as engraving and sizing jewelry you sell, are also subject to tax. Some examples of *fabrication labor* include:

- Manufacturing custom-made jewelry
- Engraving on jewelry
- Sizing rings

Note: Engraving and sizing of *customers'* used jewelry is not taxable.

■ Repair labor and parts

Labor

If you charge for labor to *repair or recondition* an item to restore its original use, the labor charge is not taxable.

Examples: the labor charges to reset a stone in a customer's ring are not taxable, since you are restoring the ring to its original use. On the other

For more information on fabrication and repair labor, see Regulation 1526, Producing, Fabricating, and Processing Property Furnished by Consumers — General Rules. To obtain a copy, see page 12.

hand, if you create a *different* piece of jewelry from the materials in the ring — another ring or a pendant, for example — the labor charges are subject to tax.

Parts

Generally, you are the consumer of repair parts, which means that you are required to pay an amount for tax at the time you purchase a watch, clock, and jewelry repair parts. As a result, you are not required to pay tax on your charges for repair parts, unless

- You charge separately for the parts; or
- The retail value of the parts is more than 10 percent of the total repair charge. In this instance, you must separate parts and materials charges from any labor charges on your invoice.

For more information, see Chapter 2, “Taxability of Purchases,” beginning on page 5. Additional details are found in Regulation 1553, *Miscellaneous Repair Operations*, and Regulation 1546, *Installing, Repairing, Reconditioning in General*.

■ **Gift wrapping labor and materials**

If you charge for materials and labor to gift wrap an item for a customer, the whole charge is taxable. For more information, you may wish to obtain our Publication 106, *Gift-Wrapping Charges* (see page 12 for ordering information).

Sales to out-of-state and foreign customers

A sale is generally not taxable when the purchaser does not intend to use the merchandise in this state *and* the item is delivered to an out-of-state or foreign destination. You must ship the item directly, using your own business vehicles, the U.S. mail, or a common carrier; or you must deliver it to a freight forwarder, customs broker, or similar export shipping agent.

To claim an exemption for interstate and foreign sales, you must retain records of delivery or shipment, such as shipping invoices, bills of lading, postage receipts, parcel post log books, and so forth. It is also recommended that you obtain a written statement declaring the property was purchased for use outside the state, and evidence of the customer’s out-of-state or foreign address. You should also keep proof of shipping insurance as further documentation to show the merchandise was actually shipped outside the state.

Note: If you deliver property outside of California to a customer you know is a resident of California, the property is regarded as having been purchased for use in California and is subject to tax unless you obtain a written statement from the customer that the property was purchased for use outside of California.

If you have any questions regarding interstate or foreign sales, please call our Information Center. You may also wish to order a copy of Regulation 1620, Interstate and Foreign Commerce (see page 12).

Discounts and trade-ins

■ Discounts

A discount is not subject to sales tax. For example, if you sell a ring for \$1000 less a 10% discount (\$100), the taxable price of the ring is \$900 (\$1000–\$100 = \$900). You should clearly list the amount of discount, amount subject to tax, and the amount of tax on your sales receipts.

■ Returned merchandise used as a trade-in

If you require a customer to purchase other property of greater value to obtain a full refund credit for a returned item, the credit received will be considered a *trade-in*. The value of the trade-in cannot be deducted from the taxable selling price of the new merchandise when you calculate sales tax due, and you cannot take it as a deduction on your tax return.

Example: Your customer may return a diamond previously purchased for \$5,000 and purchase a new gem priced at \$10,000. If you allow full credit for the trade-in, tax on the new purchase would still be based on the full \$10,000 selling price. Your invoice should separately state the \$10,000 selling price and the \$5,000 trade-in allowance.

However, if you refund the full purchase price of a returned item without requiring the customer to purchase more expensive merchandise, different rules apply. Please see Chapter 3, *Credits for Losses and Returned Items*, beginning on page 8.

Credit sales

Tax for an item sold on credit is due with the tax return for the reporting period in which you make the sale, even though you may not receive full payment until a later date. Tax is due on the full selling price.

Example: You may sell a \$2,000 watch on credit in April and allow the customer to take possession of it immediately with a \$500 partial payment. You would report the sale as taking place in April, even though you did not receive full payment in that month. Sales tax would be due on the entire \$2,000 selling price.

You may exclude amounts for insurance, interest, finance, and carrying charges from the taxable selling price. You must keep adequate and complete records itemizing these separate charges.

Layaway sales

Layaway sales generally are reported when the purchaser takes possession of the item sold. The initial payment is usually considered a deposit, not a sale. When you make the sale and transfer the item to the purchaser, you must include any layaway fee charged in the total amount subject to tax. If the sale is cancelled and the layaway fee forfeited, the fee is not taxable since no sale occurred.

Example: You sell a \$1,500 watch to a customer on a layaway basis in June, accepting a deposit of \$300 plus a \$50 layaway fee. The customer returns in July, pays the balance due, and takes possession of the watch. You would report the sale as taking place in July, with a taxable selling price of \$1,550.

Credit card sales

Tax applies to sales paid for with a credit card in the same way it applies to other sales. Tax is due on the full taxable selling price of the merchandise, regardless of any credit card organization service charges you may be required to pay.

2. Taxability of Purchases

As a jewelry store owner, you frequently purchase merchandise to resell, supplies for repairs, and other materials to use in the operation of your business. This chapter provides you with general information on the application of sales and use tax to your business purchases.

Use tax

If you purchase taxable property for resale without paying California tax and use the property for another purpose, you must generally pay *use tax*. The use tax rate is the same as the sales tax rate.

To pay use tax, you report the purchase price of the taxable items under *Purchases Subject to Use Tax* on your tax return (Line 2). Those purchases become part of the total amount subject to tax.

The sections below describe some common ways in which use tax applies to your purchases.

■ Merchandise purchased for resale

When you use a resale certificate to purchase items for resale, you generally do not pay sales or use tax at the time of purchase. Instead, sales tax applies when you sell the merchandise at retail.

However, if you purchase taxable merchandise for resale but use it for business or personal purposes, you must pay *use tax* to the Board. This includes:

- Merchandise you donate (donations to certain organizations may be exempt; please see discussion on page 7.)
- Merchandise you give to friends, employees, and others
- Merchandise you use yourself

Note: If you know at the time of purchase you will not resell merchandise, you should not use a resale certificate for that purchase. (See *Misuse of Resale Certificates*, page 6.)

If you have purchased merchandise for business or personal use and paid an amount for tax, but resell the item prior to making any use of it, you can take a deduction on your tax return when you report the sale. You may deduct the amount you paid before sales or use tax was added, under *Cost of Tax-Paid Purchases Resold* on your return.

You may
be liable for
use tax on
—Items
purchased
for resale and
used for other
purposes
—Items
purchased from
out-of-state
retailers
—Demonstration
and display items
used for personal
purposes

■ Items used for demonstration and display

In general, merchandise you use exclusively for demonstration or display while it is held for sale is not subject to use tax. Sales tax applies when the item is sold.

If you use a demonstration or display item for any other purpose, including personal use, the purchase price must be reported under *Purchases Subject to Use Tax*. Again, sales tax applies to the subsequent retail sale of the merchandise. For more information, see Regulation 1669, *Demonstration, Display, and Use of Property held for Resale—General*, which can be obtained through our Information Center.

■ Purchases from out-of-state retailers

In general, if you purchase taxable merchandise from an out-of-state retailer (without paying tax) and use the merchandise for a purpose other than for resale, the purchase is subject to use tax and must be reported.

If you paid another state's sales tax on the purchase, you may receive credit for the tax paid by reporting the amount of the purchase under *Purchases Subject to Use Tax* and then deducting the amount of tax paid under *Taxes Imposed by Other States* on your return. You can be credited up to the amount of California tax due.

Some out-of-state retailers are authorized to collect and pay California use tax. If your sales receipt indicates that the correct amount of California use tax has been collected on your purchase and shows the retailer's seller's permit or registration to collect use tax number, you do not need to report the purchase on your return.

Misuse of resale certificates

You should not give a resale certificate if you know at the time of purchase you will use the product rather than sell it. If you submit a resale certificate for items you do not intend to resell, your use of the certificate may be considered an attempt to evade the payment of tax and you may be subject to fines and penalties.

For example, wholesale jewelry marts often only allow retailers to enter or purchase at the mart. If you are purchasing resale inventory at a mart, you should issue resale certificates for your purchases. However, if you are purchasing items you know you will give away as personal gifts, you should not issue resale certificates for the purchases. You should also not allow someone to use your permit so that they can make purchases at the mart.

If you knowingly use a resale certificate to purchase items you do not intend to resell, you will owe the tax due on the transaction, plus interest. You may also be required to pay a 10% penalty of the tax due or a \$500 penalty, whichever is higher, for each purchase.

Supplies and equipment

You are not required to collect sales tax on sales of repair parts, unless you charge separately for the parts and materials or their retail value is more than 10 percent of the total charge (see “Parts,” page 2). If you paid tax on parts for which you later charge a customer sales tax, you may claim a deduction on your tax return. You may deduct the amount you paid for the parts (before tax was added), under *Cost of Tax-Paid Purchases Resold*.

■ Gift-wrapping and packaging supplies

Gift-wrapping and packaging supplies used to wrap merchandise may be purchased with a resale certificate.

■ Other equipment and supplies

Purchases of items used in your business — display fixtures, equipment, advertising, bookkeeping, and maintenance materials, and so forth — are subject to sales or use tax. If bought from an out-of state seller who does not charge California use tax, the purchase must be reported on your return, under *Purchases Subject to Use Tax*. If you later sell any of these items at retail, the sale would be taxable.

Donations

Generally, when you make a gift of merchandise that you purchased without paying an amount for tax, you must pay tax measured by your purchase price. However, donations of taxable merchandise to certain charitable organizations are exempt from tax and you do not need to report your purchase price of exempt donations on your sales and use tax return. For information on qualifying charitable organizations, contact our Information Center.

3. Credits for Losses and Returned Items

Some losses and returns can be listed under exempt transactions on your tax return and deducted from total taxable sales. Other losses cannot be deducted. This chapter covers some of the losses and returns common to jewelry stores, including bad debts, repossessions, robbery and theft, and returned merchandise for which you give refunds.

Bad debts and other losses

■ Bad debts

If you make a sales tax payment on a credit sale and later find you cannot collect on the balance due, you can deduct the sale on a later return. Bad debt deductions for losses from both repossessions and sales made on account generally are taken in the same way.

Generally, you can deduct taxable sales when you have been unable to collect payment for them, as long as the accounts — including uncollectible amounts and bad checks — are considered worthless and you have charged them off for income tax purposes. (Or, if you are not required to file income tax returns, you have charged them off in accordance with generally accepted accounting principals.)

You should claim the deduction for the period in which you found the account worthless and wrote it off, under *Bad Debt Losses on Taxable Sales* on your return. If you receive payment at a later point, you must report it on the return for the period in which you received the payment.

The allowable deduction is measured by the uncollected amount on which tax was actually paid with your tax return. You can deduct the uncollected amount after you make certain adjustments for nontaxable charges, sales tax, and the wholesale value of repossessed items.

Portions of your loss not allowed as deductions

Adjustments must be made for amounts included in the total selling price which were not originally subject to tax, such as the sales tax itself, insurance, and finance charges. To calculate a bad debt deduction, you must determine how much of your total loss was subject to tax, based on the taxable percentage of the original total selling price.

Example, insufficient payment (no repossession): You sold a bracelet for \$1,000, plus a 4 percent, nontaxable insurance charge (\$40) and 7.25 percent sales tax (\$72.50), for a total of \$1,112.50. The *taxable amount* of the

sale was the original price of the item—\$1,000— since neither sales tax nor insurance are subject to tax. You received \$400 in payments for the bracelet. Your total loss (the amount you could not recover) was \$712.50. Your bad debt deduction would be calculated as follows:

Total loss calculation

\$1,000.00	price of merchandise (taxable)
+ 40.00	insurance (nontaxable)
+ 72.50	sales tax
<u>\$1,112.50</u>	total selling price
- 400.00	payments received
<u>\$ 712.50</u>	total loss

Allowable sales tax deduction calculation

$\frac{\$1,000.00}{\$1,112.50} = 0.90$	$\frac{\text{taxable price}}{\text{total price}}$	= taxable % of sale
\$ 712.50	total loss	
<u>x 0.90</u>	taxable percentage of original sale	
<u>\$ 641.00</u>	allowable deduction for sales tax purposes	

Repossessions

To determine the allowable deduction for a repossessed item, you must also deduct the wholesale value of the item from the original, taxable selling price.

Example, repossession: Using the example above, you would make the following adjustment if you repossessed a bracelet with a wholesale value of \$300:

Total loss calculation

\$1,112.50	total selling price (see example above)
- 400.00	payments received
- 300.00	<i>wholesale value of repossessed bracelet</i>
<u>\$412.50</u>	total loss

Allowable sales tax deduction calculation

\$ 412.50	total loss
<u>x 0.90</u>	taxable percentage of original sale
<u>\$ 371.00</u>	allowable deduction for sales tax purposes

Determining the allowable deduction for a bad debt can be complicated (various rules and calculation methods apply). For more specific information, please request a copy of Regulation 1642, *Bad Debts* (see page 11 for ordering information).

You cannot deduct collection expenses for bad debts. You should retain adequate and complete records to support any bad debt deduction you claim.

Tax rate changes

If the tax rate has changed since you made the sale, you must adjust the amount of the bad debt deduction to conform to the tax rate in effect at the time of the sale. Please call our Information Center for assistance, 800-400-7115.

■ Robbery and theft

Because sales tax is measured by sales you have made, robberies of cash are not deductible. You are required to pay sales tax on all taxable sales despite any loss of proceeds from them.

Losses of merchandise due to robbery, theft, or shoplifting are not deductible, but since they may affect your cost of goods sold, you must document them in your records in case of an audit. Acceptable forms of documentation include police reports, insurance claims, reports from private investigating agencies, and so forth.

Returned merchandise with full refund or credit given

Under certain circumstances, you may deduct the value of returned merchandise on your tax return. To take the deduction, you must both:

- Refund the full sales price (including sales tax) in cash or by giving the customer a full credit; *and*
- Not require the customer to purchase other merchandise that costs more than the returned item.

However, if you require the customer to purchase more expensive merchandise to receive credit for the return, you may not take the returned merchandise deduction. In that instance, the return is considered a *trade-in*. Application of sales tax to trade-ins is covered in Chapter 1, *Taxability of Sales and Labor*, beginning on page 1.

4. For More Information

For more information

If you have a general tax question or would like to order a publication, please call our Information Center and talk to a customer service representative. Representatives are available from 8:00 A.M. to 5:00 P.M., Monday-Friday, excluding State holidays. Please call:

800-400-7115 TDD/TTY 800-735-2929

For questions regarding your account

If you have a question regarding your account (for example, a question about an audit, a tax payment, or a billing), please call the office that maintains your records. Their telephone number is printed on your tax return. Or see page 14 for a list of local Board office telephone numbers.

To verify a seller's permit number

If another seller has given you a resale certificate to make a purchase for resale, you can contact us to verify the seller's permit number provided by that seller. You can call toll-free, 888-225-5263, or you can visit our website at www.boe.ca.gov. Both services are available seven days a week. You should also have available the name of the business, the business address, and the name of the business owner, to compare with the information we provide.

*See
Publication 73,
Your California
Seller's Permit
for a complete
listing of sales
and use tax
regulations.*

Fax-back service

Selected forms and notices are available on our automated fax-back service. Call 800-400-7115 at any time and choose the fax option.

Helpful publications and regulations

How You Can Obtain a Publication or Regulation

Use the internet

Certain regulations and publications are available on our Internet home page. See page 12.

Call our Information Center

A customer service representative will help you during working hours. If you know the name of the publication, form, or regulation you need, you can call outside of working hours and leave a recorded message. Certain documents are also available on our fax-back service, described above.

Tax Tips for
Jewelry Stores

March 2005

Page 11

Send a fax request

You can request fax copies of selected forms and publications. Call 800-400-7115 and choose the fax option.

■ Regulations

The following regulations may be of interest to you:

- 1526 *Producing, Fabricating, and Processing Property
Furnished by Consumers—General Rules*
- 1553 *Miscellaneous Repair Operations*
- 1589 *Containers and Labels*
- 1620 *Interstate and Foreign Commerce*
- 1641 *Credit Sales and Repossessions*
- 1642 *Bad Debts*
- 1669 *Demonstration, Display, and Use of Property Held for
Resale—General*
- 1698 *Records*
- 1700 *Reimbursement for Sales Tax*
- 1821 *Foreword—District Taxes*

■ Publications

You may find the following publications to be helpful. The letter C, F, K, S or V following a publication indicates the pamphlet is available in Chinese, Farsi, Korean, Spanish or Vietnamese:

- 17 *Appeals*
- 44 *District Taxes*
- 51 *Guide to Board of Equalization Services (C, K, S, V)*
- 61 *Sales and Use Taxes: Exemptions and Exclusions*
- 70 *The California Taxpayers' Bill of Rights (C, K, S, V)*
- 73 *Your California Seller's Permit (C, F, K, S, V)*
- 74 *Closing Out Your Seller's Permit (C, S)*
- 75 *Interest and Penalty Payments*
- 76 *Audits (F, K, S)*
- 100 *Shipping and Delivery Charges (S)*
- 101 *Sales Delivered Outside California (S)*
- 106 *Gift-Wrapping Charges (S)*

Tax information bulletin

As a registered seller, you will receive a copy of the *Tax Information Bulletin* with your returns. The *Bulletin* includes articles on the application of law to specific types of transactions, announcements regarding new and revised publications, and other articles of interest to sellers. If you file only one return a year, you will receive only one bulletin. If you would like to receive all four bulletins, please write to the following address and ask to be added to Mailing List #15: State Board of Equalization; Mail Services Unit, MIC:12; Attn: Addressing Systems; P.O. Box 942879; Sacramento, CA 94279-0012. Tax Information Bulletins may also be downloaded from our website.

Written tax advice

For your protection, it is best to get tax advice in writing. If you write to the Board for advice regarding the taxability of a transaction and the Board's written reply is incorrect, you may be relieved of tax, penalty, or interest charges. For this relief to apply, a request for advice must be in writing, identify the taxpayer to whom the advice applies, and fully describe the facts and circumstances of the transaction. You should send your request to the Board office that handles your account.

Internet www.boe.ca.gov

We maintain a variety of information on our website, including selected pamphlets and regulations, sales and use tax rates by county, Board field office addresses and telephone numbers, Taxpayers' Bill of Rights Hearings, publication order forms, an agency profile, and Board Member biographies.

Classes

You can enroll in a basic sales and use tax class offered by some local Board offices. Check our website at www.boe.ca.gov under "classes" for a listing of classes or to see our on-line Basic Sales and Use Tax Tutorial. You can also call your local office for class information.

Tax evasion hotline

Tax evasion hurts businesses that are paying their fair share. If you wish to report a case of suspected tax evasion, call our toll-free hotline at 888-334-3300. Please call during working hours.

Field offices

City	Area Code	Number	City Code	Area	Number
Bakersfield	661	395-2880	San Francisco	415	356-6600
Culver City	310	342-1000	San Jose	408	277-1231
El Centro	760	352-3431	San Marcos	760	510-5850
Fresno	559	248-4219	Santa Ana	714	558-4059
Kearny Mesa	858	636-3191	Santa Rosa	707	576-2100
Laguna Hills	949	461-5711	Suisun City	707	428-2041
Long Beach	562	901-2483	Van Nuys	818	904-2300
Norwalk	562	466-1694	Ventura	805	677-2700
Oakland	510	622-4100	West Covina	626	480-7200
Rancho Mirage	760	346-8096	Offices for Out-of-State Accounts		
Redding	530	224-4729	Chicago, IL	312	201-5300
Riverside	909	680-6400	Houston, TX	281	531-3450
Sacramento	916	227-6700	New York, NY	212	697-4680
Salinas	831	443-3003	Sacramento, CA	916	227-6600
San Diego	619	525-4526			

Taxpayers' Rights Advocate

The State Board of Equalization wants to make dealing with us as easy as possible. Consequently, we have appointed a Taxpayers' Rights Advocate to help you with problems you cannot resolve at other levels.

Taxpayers' Rights Advocate

State Board of Equalization
450 N Street, MIC:70
PO Box 942879
Sacramento CA 94279-0070
Telephone: 916-324-2798 or 888-324-2798
Fax: 916-323-3319

To request a copy of Publication 70, *The California Taxpayers' Bill of Rights*, please call the Information Center, 800-400-7115.

What do you think of this pamphlet?

We hope that this newly revised tax tip pamphlet will help you to better understand the Sales and Use Tax Law as it applies to your organization.

We would appreciate it if you could take a few minutes to give us your comments and suggestions for this pamphlet, so that we can improve future revisions. We'd also like to have some information that will help us make our publications program more useful to you. Please answer the questions below and on the reverse, remove the page, and return it to us. It is designed as a postage-paid self-mailer: you may fold the page as indicated and seal it with two pieces of tape.

Thank you for taking the time to respond to this survey.

Pamphlet Comments and Suggestions

1. Does this pamphlet help you apply the sales and use tax in your business operations?
2. Are there any sections of this pamphlet that you find particularly helpful? (please note)
3. Are there any sections of this pamphlet that you find confusing? (please explain, if possible)
4. Are there any topics not addressed in this pamphlet that you would like us to include?
5. Are there any sections of this pamphlet that you feel are incomplete? What would you add to them?
6. Do you have any other comments or suggestions for improving this pamphlet?

Name (optional) _____

Phone number (optional) _____

Date _____

Please answer questions on reverse

Tax Tips for
Jewelry Stores

March 2005

Page 15

tape



State Board of Equalization
P.O. Box 942879
Sacramento, CA 94279-0058



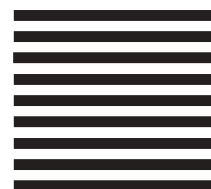
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Reader Survey Information *(please check all boxes that apply)*

What is the nature of your organization's work?

How long have you been operating?

- ☐ less than one year ☐ 1-5 years
☐ 6-10 years ☐ more than 10 years

Did you receive a copy of this pamphlet (or an earlier version) when you applied for or received your seller's permit?

- ☐ yes ☐ no ☐ not sure

How did you find out about this pamphlet?

- ☐ Board field office
☐ Board auditor
☐ Tax Information Bulletin
☐ Publications listing in a Board pamphlet
☐ Board website
☐ Other (please list)

Where did you obtain this pamphlet?

- ☐ Board field office
☐ Board auditor
☐ Board Information Center
☐ Board website
☐ Other (please list)

Do you use any other Board publications to help you apply or understand the California Sales and Use Tax Law? (please list)

